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12 *Attorneys for Jeffrey Turino*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 CASE NO.: 2:09-cr-132-JAD

17 Plaintiff;

18 **STIPULATION AND PROPOSED
19 ORDER TO CONTINUE SENTENCING**

20 JEFFREY TURINO,

21 **(Third Request)**

22 Defendant.

23 Jeffrey Turino, by and through his counsel of record, Kathleen Bliss, Esq., of the law firm
24 Kathleen Bliss Law PLLC; and the United States of America, by and through Assistant United
25 States Attorney Kathryn C. Newman, hereby stipulate and request that the Court vacate Mr.
26 Turino's sentencing hearing currently set for March 6, 2017, and continue it to a later time
27 convenient with the Court, but not less than 14 days from the current setting. This stipulation is
28 made and based upon the following:

- 23 1. On August 22, 2016, Mr. Turino entered a plea of guilty to the charge of Conspiracy
24 to Commit Securities Fraud, in violation of 18 U.S.C. § 1349, as alleged in the
25 Second Superseding Indictment.
- 26 2. Sentencing is currently set for March 6, 2017.
- 27 3. On December 21, 2016, this Court approved substitution of counsel (ECF No. 510),
28 and undersigned counsel filed a designation of retained counsel on December 22,

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1 2016. (ECF No. 511).

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4. On February 9, 2017, Counsel submitted objections to the United States Probation Officer who had prepared the Presentencing Report (PSR). On February 22, 2017, Counsel received the revised PSR. Counsel spent the better part of last week involved in a lengthy sentencing hearing occurring over February 21-22, 2017, in *United States v. Olson*, 2:12-cr-327. Counsel thus has not had adequate time to meet with Mr. Turino or the government to finalize preparation of the sentencing memorandum, which is due seven business days before sentencing (which would be on this date). See LCR 32-1. However, counsel can do so this week, which is in the best interest of Mr. Turino, as the recommendation of U.S. Probation is 292 months, while the government and Mr. Turino have agreed to a recommendation of 72 months – almost a 20 year difference.
5. Mr. Turino is not in custody pending sentencing, and he does not object to this continuance.
6. Counsel for the United States stipulates to this continuance.
7. The additional time requested by this stipulation is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution. *See Betterman v. Montana*, __ U.S. __, 136 S.Ct. 1609, 1617-1618 (2016).
8. This is the third request for a continuance of the sentencing. The additional time requested herein is not sought for purposes of delay.
9. Denial of this request for a continuance would deny counsel for Mr. Turino sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

1 Dated this 27rd day of February 2017.
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3 /s/ Kathryn C. Newman
4 KATHRYN C. NEWMAN
Counsel for the United States

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11 Kathleen Bliss
12 KATHLEEN BLISS
13 Counsel for Jeffrey Turino

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ORDER

2 Based upon the stipulation of the parties, and good cause appearing, it is hereby
3 ORDERED that Mr. Turino's sentencing hearing currently set for March 6, 2017, be, and the same
4 hereby is, VACATED.

5 IT IS FURTHER ORDERED that the sentencing hearing is reset for March 27, 2017 at
6 10:00 a.m.

7 DATED this 28th day of February, 2017.


HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE

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